

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

UNITED STATES OF AMERICA,

v.

STATE OF RHODE ISLAND.

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) C.A. No. 13-442-JJM-PAS

) C.A. No. 14-175-JJM-PAS
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ORDER

The United States of America and the State of Rhode Island (together, the “Parties”) have so far failed to satisfy the obligations of the Consent Decree (“CD”), as modified by the Order entered by the Court on September 27, 2019 (ECF No. 95), to select a replacement Monitor after the resignation of Dr. Charles Moseley or to submit to the Court the names of up to three candidates for Dr. Moseley’s replacement (in accordance with CD Section XVII(1)). To help bridge the impasse, the Court requested the Parties submit an agreement on the role and responsibility of the Monitor. Unfortunately, the Parties could not come to agreement. See ECF Nos. 96 and 97.

A further delay in appointing a Monitor is not in the best interest of the Parties, or more importantly, those with intellectual and developmental disabilities and their families.

The Court, exercising its jurisdiction under CD Section XIX(2) and its “inherent jurisdiction to enforce [its] decrees”, will select a replacement to serve as interim Monitor until the earlier of the date on which the Parties (i) agree on a

replacement, (ii) submit the names of up to three candidates for the Court to select a replacement, or (iii) agree on another mutually agreeable resolution. *N.A.A.C.P. v. Donovan*, No. CIV.A.78-850-DPW, 2009 WL 792301, at *6-7 (D. Mass. Mar. 17, 2009) (citing *Riggs v. Johnson County*, 73 U.S. 166, 187 (1867)); *see also U.S.I. Properties Corp. v. M.D. Const. Co.*, 230 F.3d 489, 496 (1st Cir. 2000).

The Court hereby appoints Dr. A. Anthony Antosh as interim Monitor beginning December 1, 2019 until further order of this Court. Dr. Antosh shall henceforth exercise all powers and responsibilities of the Monitor as set forth in the Consent Decree. The Parties are instructed to confer with Dr. Antosh as soon as practicable to discuss his work and to coordinate his engagement as interim Monitor.

IT IS SO ORDERED.

A handwritten signature in blue ink, reading "John J. McConnell, Jr.", written over a horizontal line.

John J. McConnell, Jr.
United States District Judge

November 25, 2019